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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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COLGATE-PALMOLIVE COMPANY,	: Opposition No. 91153974
	: 
Opposer,	:
	:
- against -	:
	:
MARBLE SPORTSWEAR, INC.,	: 06-25-2003
	: U.S. Patent & TMO/TM Mail Rcpt Dt. #58
	:
Applicant.	:
-----X	
COLGATE-PALMOLIVE COMPANY,	: Opposition No. 91153718
	:
Opposer,	:
	:
- against -	:
	:
MARBLE SPORTSWEAR, INC.,	:
	:
Applicant.	:
-----X	

MOTION TO CONSOLIDATE AND EXTEND
AND RESET DISCOVERY AND TESTIMONY DATES

Opposer Colgate-Palmolive Company hereby moves in accordance with Trademark Trial and Appeal Board Manual of Procedure §§ 511 and 512.01 to consolidate the two above-captioned opposition proceedings.

Consolidation is appropriate because the two opposition proceedings present common questions of law and fact in that the parties are the same and the marks upon which opposer has premised its claims are also identical in each case. See Fed. R. Civ. P. 42(a); Regatta Sport Ltd. v. Telux-Pioneer Inc., 20 U.S.P.Q.2d 1154 (T.T.A.B. 1991); Estate of Biro v. Bic Corp., 18 U.S.P.Q.2d 1382 (T.T.A.B. 1991). The only material difference between the two proceedings is that the mark at issue in Opposition No. 91153974 is FABUSA, while the mark at

issue in Opposition No. 91153718 is FAB USA. However, in view of the close similarity between these two marks, opposer submits that consolidation is appropriate. In addition, because the two proceedings are at an early stage, consolidation will also conserve the resources of both parties and further the Board's interest in an efficient and economical resolution. See World Hockey Ass'n v. Tudor Metal Prods., Inc., 185 U.S.P.Q. 246 (T.T.A.B. 1975) (consolidation ordered where issues were substantially similar and consolidation would be advantageous to both parties).

Pursuant to 37 C.F.R. § 2.120(a) and 2.121(d), opposer hereby moves the Board to adopt the discovery and testimony dates currently in place for Opposition No. 91153974 as the discovery and testimony dates for the consolidated opposition and to extend such discovery and testimony dates by ninety (90) days in accordance with the following schedule.

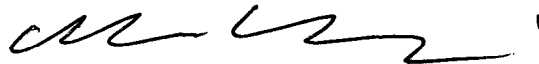
Period for Discovery to Close:	October 6, 2003
Testimony period for party in position of plaintiff to close (opening 30 days prior thereto)	January 5, 2004
Testimony period for party in position of defendant to close (opening 30 days prior thereto)	March 4, 2004
Rebuttal testimony period to close (opening 15 days prior thereto)	April 20, 2004

The undersigned has attempted to speak with the attorney for applicant, Elizabeth Keschner, Esq., in order to obtain her consent to this motion by telephone on June 20 and 23, 2003. Ms. Keschner's office indicated that she was not in and that she would be unavailable until next week. Thus, applicant's counsel has not yet had an opportunity to consent to the relief requested herein. However, given the recent retention of the undersigned counsel and our need

to familiarize ourselves with the facts of this matter, it is therefore respectfully requested that this motion be granted.

Respectfully Submitted,

DORSEY & WHITNEY LLP



Dated: June 23, 2003

By: _____

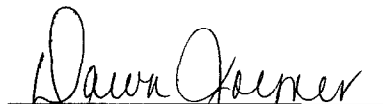
Bruce R. Ewing

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CERTIFICATE OF MAILING UNDER 37 CFR 1.10

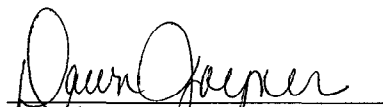
Date of Deposit: June 23, 2003

I hereby certify that on the date indicated above, this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, under 37 CFR 1.10 and is addressed to: Assistant Commissioner for Trademarks - Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3514.


Dawn Joyner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within enclosure was sent by First Class Mail in an envelope addressed to Elizabeth Keschner, Esq., 9465 Wilshire Blvd., Suite 850, Beverly Hills, CA on June 23, 2003.


Dawn Joyner